

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,  
as representative of  
THE COMMONWEALTH OF PUERTO RICO, *et al.*  
Debtors.<sup>1</sup>

PROMESA Title III

Case No. 17-BK-3283-LTS  
(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,  
as representative of  
PUERTO RICO ELECTRIC POWER AUTHORITY,  
Debtor.

PROMESA Title III

No. 17 BK 4780-LTS

(This court filing relates only to  
Case No. 17 BK 4780-LTS)

**[PROPOSED] ORDER GRANTING URGENT MOTION IN LIMINE TO EXCLUDE  
TESTIMONY OFFERED BY INSTITUTO DE COMPETITIVIDAD Y  
SOSTENIBILIDAD ECONOMICA DE PUERTO RICO, CENTRO UNIDO DE  
DETALLISTAS CAMARA DE MERCADEO, INDUSTRIA Y DISTRIBUCION DE  
ALIMENTOS, ASOCIACIÓN DE CONTRATISTAS Y CONSULTORES DE ENERGÍA  
RENOVABLE DE PUERTO RICO, PUERTO RICO MANUFACTURERS  
ASSOCIATION, COMITÉ DIÁLOGO AMBIENTAL, INC. , EL PUENTE DE  
WILLIAMSBURG, INC. , ENLACE DE ACCIÓN CLIMÁTICA, COMITÉ  
YABUCOEÑO PRO-CALIDAD DE VIDA, INC., ALIANZA COMUNITARIA,  
AMBIENTALISTA DEL SURESTE, INC., SIERRA CLUB PUERTO RICO, INC.,  
MAYAGÜEZANOS POR LA SALUD Y EL AMBIENTE, INC., COALICIÓN DE  
ORGANIZACIONES ANTI INCINERACIÓN, INC., AMIGOS DEL RÍO GUAYNABO,  
INC., AND SOMOS INC.**

<sup>1</sup> The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's Federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Upon consideration of the *Urgent Motion in Limine to Exclude Testimony Offered by Instituto de Competitividad y Sostenibilidad Economica de Puerto Rico, Centro Unido de Detallistas Camara de Mercadeo, Industria y Distribucion de Alimentos, Asociación de Contratistas y Consultores de Energía Renovable de Puerto Rico, Puerto Rico Manufacturers Association, Comité Diálogo Ambiental, Inc. , El Puente de Williamsburg, Inc. , Enlace de Acción Climática, Comité Yabucoeño Pro-Calidad de Vida, Inc., Alianza Comunitaria, Ambientalista del Sureste, Inc., Sierra Club Puerto Rico, Inc., Mayagüezanos por la Salud y el Ambiente, Inc., Coalición de Organizaciones Anti Incineración, Inc., Amigos del Río Guaynabo, Inc., and Somos Inc.* (collectively, the “**Nonprofits**”), filed on June 7, 2019 by and through the Financial Oversight and Management Board for Puerto Rico, as PREPA’s representative pursuant to section 315(b) of the Puerto Rico Oversight, Management, and Economic Stability Act,<sup>2</sup> and the Puerto Rico Fiscal Agency and Financial Advisory Authority (“**the Urgent Motion**”) and the Court having found and determined that (i) the Court has jurisdiction over this proceeding and the Urgent Motion pursuant to 28 U.S.C. § 1331 and 48 U.S.C. § 2166(a); (ii) venue of this proceeding and the Urgent Motion is proper under 28 U.S.C. § 1391(b) and 48 U.S.C. § 2167(a); and (iii) the Court having found good cause to grant the relief requested therein, it is

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<sup>2</sup> PROMESA has been codified in 48 U.S.C. §§ 2101-2241.

**HEREBY ORDERED THAT:**

1. The Urgent Motion is **GRANTED** as set forth herein.
2. All of the Nonprofits' proffered witnesses<sup>3</sup> are excluded in their entirety from testifying at the omnibus hearing on July 24, 2019, with regard to the *Joint Motion of Puerto Rico Electric Power Authority and AAFAF Pursuant to Bankruptcy Code Sections 362, 502, 922 and 928, and Bankruptcy Rules 3012(a)(1) and 9019 for Order Approving Settlements Embodied in the Restructuring Support Agreement and Tolling Certain Limitations Periods*, Case No. 17-04780-LTS, ECF No. 1235 (May 10, 2019) (the "**Rule 9019 Motion**"), as scheduled by the Court's *Order Extending and Establishing Certain Deadlines Applicable to the Joint Motion of Puerto Rico Electric Power Authority and AAFAF Pursuant to Bankruptcy Code Sections 362, 502, 922, and 928, and Bankruptcy Rules 3012(A)(1) and 9019 for Order Approving Settlements Embodied in the Restructuring Support Agreement [ECF No. 1235]*, Case No. 17-04780-LTS, ECF No. 1253 at 4 (May 22, 2019) (the "**Scheduling Order**"), because the Nonprofits lack standing to oppose the Rule 9019 Motion, are not "parties in interest" under the Bankruptcy Code, and seek to offer testimony that is seek to offer testimony that is irrelevant under Rule 9019.

SO ORDERED.

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<sup>3</sup> Amended Motion by Instituto de Competitividad y Sostenibilidad Economica de Puerto Rico (ICSE) Identifying Preliminary List of Potential Witnesses to Testify at Hearing of the 9019 Motion, Case No. 17-03283-LTS, ECF No. 7186 (May 31, 2019); Amended Motion by Centro Unido de Detallistas (CUD); Camara de Mercadeo, Industria y Distribucion de Alimentos (MIDA); Asociación de Contratistas y Consultores de Energía Renovable de Puerto Rico (ACONER) and Puerto Rico Manufacturers Association (PRMA) Joining ICSE' Motion Identifying Preliminary List of Potential Witnesses to Testify at Hearing of the 9019 Motion, Case No. 17-03283-LTS, ECF No. 7189 (May 31, 2019); Motion by Comité Dialogo Ambiental et al. Identifying Expert Witnesses for 9019 Motion Hearing, Case No. 17-04780-LTS, ECF No. 1279 (June 5, 2019); Motion Identifying Expert Witness in compliance with Order Dated May 22, 2019 (Dkt. 1253), Case No. 17-04780-LTS, ECF No. 1282 (June 5, 2019).

Dated \_\_\_\_\_, 2019  
San Juan, Puerto Rico

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HONORABLE LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE